

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KORRELL SANTANA COLE,

Plaintiff,

v.

WARDEN WHITE,

Defendant.

Case No. 1:22-cv-00684-HBK (PC)

CLERK TO CLOSE CASE BASED UPON
PLAINTIFF'S VOLUNTARY DISMISSAL
UNDER FED. R. CIV. P. 41 (a)(1)(A)(i)

(Doc. No. 11)

On October 26, 2023, the Plaintiff filed a "Notice to Voluntarily Dismiss Claim Without Prejudice under Fed. R. Civ. P. 41." (Doc. No. 11, "Notice"). The Notice, signed and dated by Plaintiff on October 13, 2023, follows the Court's September 27, 2023, Order to Show Cause directing Plaintiff to show cause why his complaint alleging a First Amendment claim should not be dismissed for failure to exhaust administrative remedies. (Doc. No. 10). The Notice states "I, Korrell Cole, hereby request that the First Amendment claim in this Complaint be voluntarily dismissed under Fed. Rules of Civ. Procedure 41 until I further exhaust remedies." (Doc. No. 11 at 1).

Because no defendant has been served and no answer nor motion for summary judgment has been filed, Plaintiff may voluntarily dismiss this action by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i).

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1 ACCORDINGLY:

2 The Clerk of Court is directed to vacate all deadlines and CLOSE this case to reflect
3 Plaintiff's Notice of Voluntary Dismissal without prejudice consistent with Fed. R. Civ. P.
4 41(a)(1)(A)(i).

5
6 Dated: October 30, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE